

Daugherty

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<p>THE UNITED STATES</p> <p>vs.</p> <p>Benjamin Franklin Stewart</p>	<p>For U. S.:</p> <p>Lawrence A. McSoud, US Atty</p> <p>Hubert H. Bryant, Asst. "</p> <p>For Defendant:</p> <p>L.K. Smith</p> <p>World Building</p> <p>Tulsa, Okla.</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 4-30-69	Clerk				
J.S. 3 mailed 3-31-70	Marshal				
Violation False Income Tax returns Title 26 Sec. 7201 & 7206(1)	Docket fee				

DATE	PROCEEDINGS
4-2-69	Record vote of the Grand Jury, filed in open Court. b
4-2-69	Indictment, filed in open Court. b
4-2-69	Appearance Bond of the defendant in the sum of \$3,500.00, filed - surety, Summit Fidelity & Surety Company. (Pete King) b
4-2-69	Order specifying methods and conditions of release, filed. b
4-22-69	Motion for bill of particulars, filed in open court. ds
4-22-69	Brief in support of motion for bill of particulars, filed, in open court. ds
4-22-69	Defendant present in person and represented. Defendant arraigned, receives copy of Indictment, waives reading and enters pleas of NOT GUILTY as to Cts. 1,2,3 and 4 of the Indictment. Defendant's motion for Bill of Particulars and Brief filed in open court, and request for 10 additional days in which to file additional motions granted and government granted 20 days to respond. Defendant's oral motion to waive jury taken under advisement pending return of U.S. Atty. Defendant to remain on present bond. (AEB-J)h
5-15-69	Response to Motion for Bill of Particulars filed by government. h
11-14-69	Ordered by the Court that this case is set for non-jury trial on Monday, December 8, 1969 at 9:30 A. M. (Fred Daugherty - Judge) b

DATE	PROCEEDINGS
6-17-69	Defendant present in person and represented. Order filed in open court that the defendant's motion for Bill of Particulars is moot as the government has complied by furnishing the information sought in said motion sheet. Defendant waives jury in open court, waiver signed approved and filed in open court and case to be set on next non-jury docket. (AEB-J)h
11-14-69	Case set for non-jury trial Monday 12-8-69 at 9:30 a.m. (FD-J)b
12-5-69	Case stricken from non-jury assignment of 12-8-69 and reset for change of plea on Tuesday 12-16-69 at 10:00 a.m. (FD-J)m
12-16-69	Returns on three subpoenas to testify, filed. m
12-16-69	Return on subpoena to produce document or object, filed. m
12-16-69	Deft. present in person and represented. Deft. withdraws pleas of Not Guilty to each of Cts. 1&2 and enters pleas of NOLO CONTENDERE as to each of Cts. 1&2. Court overrules objections of govt. and accepts pleas of NOLO CONTENDERE in Cts. 1&2. Govt. requests dismissal of Cts. 3&4 and govt. to prepare motion to dismiss said counts. Case to be set for sentence after Court is furnished pre-sentence report. (FD-J)m
1-7-70	Case set for sentencing 1-28-70 at 9:30 A.M. (FD-J) ds
1-15-70	Motion of defendant for continuance of sentencing, filed. b
1-16-70	Case stricken from 1-28-70 docket for sentencing at request of deft. (FD-J)m
3-10-70	Case set for sentencing 3-12-70 at 9:00 a.m. (FD-J)m
3-12-70	Deft. present and represented. Motion to dismiss Cts. 3&4 filed in open court by govt. and order dismissing Cts. 3&4 signed and filed in open court. Deft. and counsel asked if they have anything to say. Judgment and Sentence - Benjamin Franklin Stewart Ct. 1 - Five (5) Years Ct. 2 - Five Years, to run concurrently with sentence imposed in Ct. 1
	It is further adjudged that execution of sentence is deferred until March 16, 1970, prior to noon. Deft. to remain on present bond. (FD-J)m
3-12-70	Judgment and Commitment, filed and entered. (FD-J)m
3-12-70	Two c/c of J&C delivered to U.S. Marshal. m
3-12-70	Application of defendant for stay of sentence, filed. b
3-13-70	Order that deft's application for stay of sentence is approved and execution of sentence imposed is deferred until 3-30-70, prior to noon; Deft. may remain under present bond until above reporting time, filed. (FD-J)m (copies mailed)
4-8-70	C. C. of J & C returned, filed - defendant delivered to Tulsa County Jail on March 30, 1970 and to the U. S. Medical Center at Springfield, Missouri on April 4, 1970.
7-9-70	Motion of defendant for reduction of sentence under Rule 35, filed. b
7-9-70	Defendant's brief in support of motion for reduction of sentence under Rule 35, filed. b <i>Copies mailed by TK Smith</i>
7-30-70	Order, that defendant's motion for reduction of sentence be denied, filed, and entered. (FD-J) ds - <i>Copies mailed</i>

UNITED STATES COMMISSIONER
Northern DISTRICT OF Oklahoma

RECORD OF PROCEEDINGS—MISCELLANEOUS

BEFORE Benjamin B. Ballenger, 411 U. S. Court House, Tulsa, Okla.
(Name of Commissioner) (Address)

This form should be used to record proceedings for which Forms AO 100 and AO 101 are not adapted, such as applications for search warrants, extradition proceedings, depositions in civil cases, proceedings for the release of poor convicts, references in civil or admiralty cases, attachments and subsequent hearings in internal revenue matters, proceedings to settle or certify nonpayment of seamen's wages, civil rights proceedings, detentions of witnesses on removal proceedings in connection with criminal proceedings, if not included in Form AO 100, etc. A separate page should be used for each proceeding, showing the title of the case, its nature, and the date and nature of each step taken.

Commissioner's

Docket No. 1, Case No. 483

UNITED STATES OF AMERICA

vs.

Benjamin Franklin Stewart

Grand Jury Indictment, Tulsa, Okla.

April 2nd, 1969

Viol. T. 26, Secs. 7201 & 7206(1)
(Nature of proceeding)

69 - CR - 49

FILED

APR - 2 1969

[illegible]

[illegible]

DATED April 2nd, 19 69

Benjamin B. Ballenger
Benjamin B. Ballenger, States Commissioner